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Chairman: Mrs. Aase LIONAES (Norway).

In the absence of the Chairman, Mr. López (Philippines), Vice-Chairman, took the Chair.

AGENDA ITEM 34

Draft Convention on Freedom of Information: report of the Economic and Social Council (A/2181, A/2943, chap. VI, sect. VI, paras. 673-675, A/3150, A/3589, A/AC.42/7 and Corr.1, annex, A/C.3/L.660) (continued)

1. Mr. KRAJEWSKI (Poland) said that no international understanding was possible unless information could be freely exchanged and used in the cause of improving international relations, facilitating coexistence, easing political tension and maintaining peace. The Polish delegation was prepared to make every possible effort to draft a convention on freedom of information that could be accepted and signed by all States. In the contemporary period great strides were being made in the technical means for the maintenance of relations and communications. The importance of public opinion was growing steadily; indeed public opinion as shaped by the Press, broadcasting and television had a powerful influence over Governments and statesmen. The adoption of the convention should be a means of preventing international relations from being dominated by forces in the service of anti-humanitarian causes.

2. In 1947, when the question of freedom of information was first examined by the United Nations, the Organization had had sixty Members. Today the United Nations had eighty-two Members. The twenty-two new Member States had had no opportunity to study the question in detail and to express their opinions. Some of the other Members had changed their minds with regard to the substance of the question as a result of developments in the world situation. A new debate was therefore necessary; it was, however, evident that the Committee did not have enough time during the current session. The question was difficult, and a compromise solution should be sought; it might be the first step towards disarmament in a sphere where the power of words and information could constitute a destructive or a creative force. For its part, Poland was following a policy in conformity with the principles of freedom of information. Poland had opened its doors to the representatives of the foreign Press, radio, television and the cinema. Poland

had concluded with various countries a series of agreements and cultural conventions containing clauses respecting exchanges in those branches of information. Poland would continue to do all in its power to encourage exchanges with all countries which wished to cooperate with it on a reciprocal basis.

3. The Philippine proposal (A/C.3/L.660, draft resolution A) that the draft Convention should be communicated to Governments was well-advised. It seemed quite useless, however, to transform the Committee on Freedom of Information appointed by the Commission on Human Rights at its thirteenth session^{1/} into a permanent body. He entirely agreed with the opinion expressed by the representative of Saudi Arabia (828th meeting) regarding regional seminars. The special committee, the establishment of which was suggested by the representative of Saudi Arabia, did not seem necessary. It was a question for consideration by the General Assembly. A sufficient number of meetings should be set aside during the thirteenth session for that item. It was only after considerable discussion and after hearing the views of the Governments concerned that the Committee would be able to appoint a drafting group to work out the final text of the Convention.

4. Mrs. ELLIOT (United Kingdom) recalled that her delegation had done all in its power to facilitate the adoption of a solution acceptable to the greatest possible number of countries. There were two contrary currents of opinion however, particularly with regard to article 2 of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex). Some believed that any list of restrictions that might legitimately be imposed upon the freedom of information would turn the Convention into a means of restricting the freedom. It seemed unlikely in those circumstances that any efforts to continue the work of drawing up a convention would be rewarded with success. The United Kingdom delegation was grateful to the Philippine representative for having thought out new methods of pursuing the study of the question. One of his suggestions had been the possibility of drafting a convention on censorship in time of peace. Unfortunately the objections which had been raised against the draft Convention on Freedom of Information applied also in that case. Many countries might well believe that certain limitations on the absolute freedom to purvey news were necessary; the entire list of limitations which various Governments might consider legitimate might be lengthy.

5. It would be preferable to wait for the Committee on Freedom of Information to complete its work, before deciding to make it a permanent body. The Commission on Human Rights itself would undoubtedly study that possibility.

^{1/} See Official Records of the Economic and Social Council, Twenty-fourth Session, Supplement No. 4, para. 205.

6. In the opinion of the United Kingdom delegation it would be a mistake to hope for too much from the new consultation with Governments as proposed. Nevertheless, there might be virtue in such consultation which would give States recently admitted to the United Nations the possibility of making suggestions.

7. The proposal regarding the holding of regional seminars was interesting. It should be realized that resources were limited, that the initiative should come from Governments and that it was unlikely that any appreciable progress would be made regarding the conclusion of a convention. Nevertheless, such seminars would provide an opportunity for useful exchanges of views and would throw light on existing difficulties, particularly regional difficulties regarding information. Special efforts should be made to raise levels of education and professional standards, and improve working conditions. The solution of problems of freedom of information was much more likely to be advanced by progress in those fields than by further attempts to conclude an international instrument. The development of information media and freedom of information were closely linked; when levels of education and social levels were low, it could not be expected that the quality of information disseminated would be high. The United Nations Educational, Scientific and Cultural Organization (UNESCO) was making efforts to establish such necessary bases for the freedom of information but clearly much remained to be done.

8. The CHAIRMAN, speaking as the representative of the PHILIPPINES, introduced his delegation's draft resolutions (A/C.3/L.660). The proposals contained in draft resolution A had so far not given rise to any objection. At its thirteenth session the General Assembly would have the report of the Secretary-General before it and would be able to undertake an immediate discussion of the question based on the results of the consultations with the Governments.

9. The main object of draft resolution B was to ensure that the United Nations should continue its studies of all matters connected with the freedom of information. At first he had thought that the Committee on Freedom of Information, appointed by the Commission on Human Rights, should be transformed into a permanent body, but after some reflection, it had seemed to him preferable that the Commission on Human Rights should have greater latitude regarding the procedure to be adopted and any body that might be established later, its membership and terms of reference. The provisions of paragraph 2 reproduced, in a more flexible form, the suggestions that he had made concerning the drafting of a convention on censorship and a declaration on freedom of information. It followed from draft resolution B that the General Assembly wanted the Commission on Human Rights to be free to examine all matters coming within the scope of its plan of work. With its broad and varied membership the Commission should be able to do fruitful work.

10. Draft resolution C dealt with seminars. No constructive criticism had been presented so far in regard to them, but some doubts had been expressed concerning their effectiveness. Their contribution to human rights had often been valuable and, moreover, they presented no financial difficulty, since they were only organized at the request of Governments, in

consultation with the Secretary-General and with his co-operation.

Mrs. Lionaes (Norway) took the Chair.

11. Mrs. SYSOEVA (Byelorussian Soviet Socialist Republic) stated that she attached very great importance to the question of freedom of information, since the dissemination of accurate news helped to spread understanding and friendship among peoples.

12. The draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex) needed further study and improvement, but it could serve as a basis for discussion from then on if the Committee had the time necessary. Such was not the case and all that could be done was to try to make arrangements for a detailed and thorough study later. Several solutions had been proposed. In the opinion of the Byelorussian delegation, the establishment of a special committee or the convening of a conference of plenipotentiaries would only delay examination of the matter further. That was the task of the General Assembly, which alone could make final decisions concerning the draft Convention and all questions concerning freedom of the Press. The draft Convention had been drawn up long ago; since then the number of States Members of the United Nations had increased and some Governments might have modified their positions. It would therefore be best to ask all the Member States to make known their views on the draft Convention. On the basis of their observations, the Third Committee could, at the next session of the General Assembly, proceed with a detailed examination of that text and make practical decisions.

13. In concluding, she stressed that however interesting all other matters connected with the freedom of information might be, the Committee should devote all its attention to the draft Convention itself.

14. Mr. SAHNI (India) stated that since 1948 several resolutions of the General Assembly and many speakers had stressed the urgency of the question of freedom of information. It was therefore more necessary than ever to take practical measures, and the Indian delegation was ready, as it had always been, to co-operate fully in the efforts to achieve that aim. The task was difficult, for opinions on the draft Convention differed widely. Moreover, the Commission had not had enough time to study the text with all the care needed, and had sought to settle difficulties by sending the draft to other bodies. That procedure could not be continued if it was thought that the instrument was vitally important. Freedom of information did not have to be defined or granted. Like the right to life, it existed, and no law or pressure would prevent a journalist worthy of the name from telling the truth. In the final analysis, censorship was the worst enemy of those who imposed it, for in the end it only led to distorting the news the dissemination of which it sought to prevent. The only object of the proposed convention would therefore be to establish a code of ethics so that information would contribute to a better international life, one that would be freer and truly civilized.

15. The Indian delegation was on the whole favourable to the principles on which the draft Convention on Freedom of Information was based. It thought, however, that if a draft of that kind were to play its proper role, it should contain minimum standards

applicable to countries where the Press was less advanced, without at the same time harming the position of the Press in countries where freedom of information was already very great.

16. If there were any desire that the convention should one day become a reality, the Third Committee should examine it as soon as possible without permitting itself to be stopped by any difficulties to which such an examination would give rise. It could not repeat its earlier error of having another body deal with the question. The establishment of a special committee or the convening of a conference of plenipotentiaries would serve no purpose since the Committee itself was alone able to settle all difficulties and make a decision. Sooner or later it would have to assume that task and devote to it all the time necessary. As proposed in draft resolution A submitted by the Philippines (A/C.3/L.660), it would be most useful to call upon the Member States to submit their opinions and suggestions on the draft Convention. The Indian delegation was in favour therefore of that draft resolution, but it thought that it would perhaps be better to strengthen the wording of sub-paragraph (b) of the operative part so as to make it clearer that in the opinion of the Third Committee the subject required urgent examination.

17. If the Committee did not reach agreement on the draft Convention, the preparation of a draft declaration concerning the freedom of information, as proposed in draft resolution B, might perhaps be considered.

18. Commenting on draft resolution C, he stated that it might be useful to ask UNESCO or the various information services of the United Nations to organize seminars in under-developed countries or in countries that had been Members of the United Nations only for a short time, for the purpose of creating a state of mind favourable to the exchange of news and ideas.

19. Mr. ZEA HERNANDEZ (Colombia) said that the initial purpose of his delegation had been to encourage a rapid review of the draft Convention on Freedom of Information (A/AC.42/7 and Corr.1, annex). That draft included a number of very important provisions, such as article 1, which proclaimed principles forming the very basis of all democratic life. Unfortunately, article 2 was unacceptable; to the extent that it enabled Governments, in actual practice, to restrict or suppress freedom of information, it was contrary to the very purpose of the Convention. If that article was adopted, Colombia would be unable to ratify the Convention.

20. He felt that it would be useful to recall some of the lessons which Colombia had been able to draw from its recent history. For a certain period, Colombia had lived under a political system which had caused it much suffering. Violations of the freedom of information, and in fact the introduction of a system of censorship, had marked the beginning of a process which, as the result of an inevitable chain of events, was to culminate not only in increasingly serious abuses of power but also in a reign of corruption in the country's administration. From the days of remotest antiquity, governments had exhibited a natural tendency to abuse their authority; freedom of information was one of the most effective means of combating that tendency. It had to be borne in mind

that Governments were always able to find excellent reasons for exceeding their powers; the protection of national safety, for instance, had frequently enabled them to violate democratic freedoms. The experience of Colombia applied not to that country alone but to the entire international community. It was therefore impossible to agree to a text which would enable Governments to control information; power of that kind could be granted to them only in exceptional circumstances, which were referred to at length in article 11 of the draft Convention.

21. He was not very optimistic concerning the future of that draft. Despite the steady advance of mankind, much remained to be done in order to eliminate the possibility of tyranny, and especially efforts to impose on men ideologies or lines of conduct. It was perhaps possible to have recourse to the steps proposed by the Philippine delegation (A/C.3/L.660) in order to give a clear indication of the unremitting interest of the United Nations in the matter. By continually insisting on the matter and by affirming, year after year, that the question was still open, it would undoubtedly be possible to influence future generations. For the moment, it might perhaps be best to adopt a draft resolution, constituting a kind of summary of the provisions of article 1 of the draft Convention on Freedom of Information.

22. Mr. BAROODY (Saudi Arabia) said that the primary reason for his suggesting (828th meeting) the formation of a twenty-four member committee was that the Third Committee did not have enough time during the sessions of the General Assembly. He, himself, certainly preferred that important questions should be considered by the Third Committee.

23. The draft resolutions submitted by the Philippines (A/C.3/L.660) embodied changes which made it more acceptable than that delegation's initial suggestions. With respect to draft resolution A, he pointed out that the operative part made no mention of the future of the draft Convention on Freedom of Information. It would therefore be desirable to add a paragraph in which the General Assembly would decide to resume consideration of the Convention at its thirteenth session. It would be useful to include an additional paragraph in the preamble of draft resolution B drawing attention to the existing situation of information in the world. Such a paragraph might be worded as follows:

"Considering that the dissemination of false or distorted information by national as well as international information enterprises is one of the causes of the lack of understanding among nations which is detrimental to international harmony."

He read out a letter which had been sent to the chief editor of a New York newspaper by the Ambassador of Thailand at Washington and which emphasized the abuses in which freedom of information resulted when it was used for the purpose of insulting individuals and nations.

24. Paragraph 3 of draft resolution B called for certain reservations. The Economic and Social Council should not be able to submit some recommendation which would, to a certain extent, be binding upon the General Assembly. It would undoubtedly be preferable to delete the part of the sentence reading "together with the Council's recommendations thereon".

25. The CHAIRMAN said that the Committee's work should, in principle, be completed by 7 December. If necessary, however, the Committee could consider holding two meetings on Monday, 9 December. It could also hold a morning meeting on Saturday, 7 December. She suggested that the Committee should take a decision on the matter at the close of the 832nd meeting.

26. In reply to a statement by Mr. ROSSIDES (Greece),

the CHAIRMAN recalled that the Greek delegation had requested that the Committee, once it had disposed of agenda item 34, should consider suitable steps to expedite consideration of the draft International Covenants on Human Rights. She called on the representative of Greece to submit proposals to that effect at the 832nd meeting.

The meeting rose at 5.45 p.m.